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Law and Parliamentary Affairs Secretariat

Notification No. LAW 55 LGN 77

Bangalore, dated 3rd June 1978.

Ordered that the Karnataka Village Offices Abolition (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India, be published as Karnataka Ordinance No. 7 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 7 OF 1978

The Karnataka Village Offices Abolition (Amendment) Ordinance, 1978

(Promulgated by the Governor of Karnataka in the Twenty-ninth year of the Republic of India and first published in the Karnataka Gazette *Extraordinary on the Third day of June 1978).*

An ordinance further to amened the Karnataka Village Offices Abolition Act, 1961.

Whereas the Karnataka Legislative Council is not in session and only the Karnataka Legislative Assembly is in session and the

Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 1961);

And whereas the instructions of the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Karnataka Village Offices Abolition (Amendment) Ordinance, 1978.

(2) It shall be deemed to have come into force on the Twenty-forth day of December 1975.

2. **Amendment of section 3.**—In section 3 of the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961) (hereinafter referred to as the principal Act), in sub-section (2) at the end, the following shall be inserted, namely:—

"The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963) shall be applicable to such appeal."

3. **Amendment of section 5.**—In section 5 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely :—

"(4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted therefrom by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands: provided that if the person who has transferred the land in contravention of sub-section (3) is not alive, while disposing of such land preference shall be given to the heirs of such person.

(5) Nothing in sub-section (3) shall apply to transfer in favour of the State Government, a Co-operative Society and a Bank as security for loans granted for improvements of such land or for buying cattle or agricultural implements for the cultivation of such land.

Explanation.—'Bank' means,—

(i) a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949);

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955) ;

(iii) a Subsidiary Bank as defined in the State Bank of India Subsidiary Banks Act, 1959 (Central Act 38 of 1959);

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);

(v) a Regional Rural Bank constituted under the Regional Rural Bank Act, 1976 (Central Act 21 of 1976) ;

(vi) the Agricultural Refinance and Development Corporation consituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963) ;

(vii) the Agricultural Finance Corporation Limited a company incorporated under the Indian Companies Act, 1956 (Central Act 1 of 1956) ;

(6) Notwithstanding anything contained in any law for the time being in force, any agreement for tranefer of land resumed under clause (3) of section 4, entered into prior to regrant thereof under sub-section (1), shall be null and void and any person in possession thereof in furtherance of such agreement shall be summarily evicted therefrom by the Deputy Commissioner."

4 Substitution of new section for section 7.—For section 7 of the principal Act, the following section shall be substituted, namely :—

"7. Eviction of unauthorised holders, etc.—

(1) Where any land resumed under clause (3) of section 4 is in the possession of an unauthorised holder, such unauthorised holder shall be summarily evicted therefrom and the land shall be taken possession of by the Deputy Commissioner in accordance with law:

Provided that no such summary eviction be made except after giving the person affected a reasonable opportunity of making representations.

(2) Any order of eviction passed under sub-section (1) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceedings taken or about to be taken by the Deputy Commissioner in pursuance of the power conferred by sub-section (1).

(3) The land from which an unauthorised holder is evicted under sub-section (1) shall,—

(a) if it was granted or continued in respect of or annexed to an inferior village office, be regranted to the holder of such village office; and

(b) in other cases, be disposed of in accordance with the law appplicable to the disposal of unoccupied unalienated lands.

(4) The provisions of sub-sections (1), (2), (3), (4) and (5) of section 5 shall apply to lands regranted under clause (a) of sub-section (3) as if they were regranted under sub-section (1) of section 5.

5. Savings.—All pending applications and proceedings relating to regrant of land to unauthorised holders under the proviso to sub-section (1) of section 7 of the principal Act as it stood prior to the commencement of this Ordinance shall not have effect and shall abate.

GOVIND NARAIN,
GOVERNOR OF KARNATAKA.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

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